

TWENTY-SEVENTH DAY.

(Wednesday, February 24, 1937.)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

The following Senator was absent and excused:

Lemens.

A quorum was announced present.

The invocation was offered by the Chaplain.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Lemens was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Memorial.

The President laid before the Senate, and had read, a memorial of the Legislature of the State of Washington relating to the land reclamation program of the United States Government.

The memorial was referred by the President to the Committee on Agricultural Affairs.

Reports of Standing Committees.

Reports on Senate Bills Nos. 43, 276, 267, 342, 65, 145, 158, 57, 35, 289, 330, 303, 144, 302, 176, and 340, on House Bills Nos. 167, 22, 432, 165, 56, 470 and 471, and on S. J. R. No. 12 were submitted by the chairmen of the several committees

to which they were referred. (See appendix for reports in full.)

Senate Bills on First Reading.

The following Senate Bills were introduced, read first time and referred to appropriate committees as indicated:

By Senator Head:

S. B. No. 334, A bill to be entitled "An Act declaring it to be the policy of the State to provide for the standardization of eggs, as a protection to producer, shipper, carrier, receiver and consumer; placing the jurisdiction of grades and classification thereof under the direction of the Commissioner of Agriculture of the State of Texas. Directing and empowering the Commissioner to enter into cooperative agreements with the U. S. Department of Agriculture, if desirable, and to establish rules and regulations and grades; providing that the Commissioner, his agents, inspectors and employees shall be prohibited from engaging in trade in eggs; providing for mandatory grade of eggs; providing for notification to the Commissioner or his agents, inspectors or employees as to intent of shipping of eggs; provided that it shall be unlawful to ship any eggs affected by this Act unless the proper inspection has been made; providing for the issuance of certificates of inspection and declaring such certificates to be prima facie evidence of the true grade of the eggs at the time of inspection; regulating the re-use of egg containers; providing fees to be charged for inspection; providing for the establishment of the egg grading fund, into which such fees are to be deposited; defining the deceptive pack and providing that deceptive pack shall be unlawful; providing for the proper labeling of eggs or egg containers coming within the provisions of this Act; providing for the responsibility of carriers under this Act; providing penalties for violation of this Act; providing for the validity of the remainder of this Act if any portion be declared unconstitutional, and declaring an emergency."

Referred to Committee on Agricultural Affairs.

By Senators Shivers and Burns:

S. B. No. 335, A bill to be entitled "An Act to amend Section 11, Article 8306, Title 130, Revised Civil Statutes 1925, relative to workmen's compensation, and declaring an emergency."

Referred to Committee on Insurance.

By Senator Shivers:

S. B. No. 336, A bill to be entitled "An Act to amend Section 16, Article 3902, Revised Civil Statutes 1925, as amended by Chapter 465, action of the Second Called Session, Forty-fourth Legislature."

Referred to Committee on State Affairs.

By Senators Burns, Redditt and Pace:

S. B. No. 337, A bill to be entitled "An Act making an appropriation to pay the increase of salaries to District Judges as authorized by H. B. No. 10, Acts of the Regular Session of the Forty-fifth Legislature, and providing for method of payment of such salaries, and declaring an emergency."

Referred to Committee on Finance.

By Senator Burns:

S. B. No. 338, A bill to be entitled "An Act to amend Article 6068 of the Revised Civil Statutes of Texas, relating to, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Burns:

S. B. No. 339, A bill to be entitled "An Act amending Article 6067 of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Winfield:

S. B. No. 340, A bill to be entitled "An Act creating a Special Road Law for Pecos County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$52,000.00 and designated scrip warrants in an amount not exceeding \$56,000.00 outstanding against its Road and Bridge Fund as of Feb-

ruary 20, 1937, by the issuance of funding bonds and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon and in issuing and delivering said warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Winfield:

S. B. No. 341, A bill to be entitled "An Act authorizing commissioners' courts of all counties in Texas to provide for the establishment and completion of soil erosion projects, and construction and maintenance of improvements in connection therewith, within such counties and to cooperate with the United States Government in such projects, and to pay the counties share of the cost of such projects out of the Road and Bridge Fund of such counties, and authorizing the commissioners' courts of all counties in Texas to make cooperative agreements in reference thereto with any department of the United States Government and providing for the approval of such agreements by the Land Commissioner of Texas in the case of State lands and public free school lands, and by the Board of Regents, or its authorized agents as to University lands, and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Small:

S. B. No. 342, A bill to be entitled "An Act creating a Special Road Law for Castro County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$8,000.00 and designated scrip warrants in an amount not exceeding \$15,745.21 outstanding against its Road and Bridge Fund as

of January 1, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; validating the order heretofore passed by the commissioners' court authorizing the issuance of Road and Bridge Funding Bonds and the tax levied to pay principal and interest thereof and prescribing the duties of the Attorney General and the Comptroller of Public Accounts in reference thereto; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senators Pace, Redditt and Shivers:

S. B. No. 343, A bill to be entitled "An Act to amend Section 14 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature; to amend Sections 4, 5, 7, 8 and 18, Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; to repeal Section 6 of Chapter 282, S. B. No. 82, Acts of the Regular Session, Forty-first Legislature, as amended by Chapter 174, S. B. No. 279, Acts of the Regular Session of the Forty-second Legislature; providing for the public sale of oil and gas in and on University lands by the board for lease of University lands and providing for the expense of said sales; validating lease extension contracts heretofore made; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Rawlings:

S. B. No. 344, A bill to be entitled "An Act amending Article 650 of the Code of Criminal Procedure of

the State of Texas, and repealing Article 651 and Article 711 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Rawlings:

S. B. No. 345, A bill to be entitled "An Act making appropriation for the support and maintenance of certain employees of the Motor Transportation Division of the Railroad Commission for the last six months of the current biennium ending August 31, 1937, and declaring an emergency."

Referred to Committee on Finance.

By Senator Nelson:

S. B. No. 346, A bill to be entitled "An Act amending Article 7298 Revised Civil Statutes of Texas, 1925, as amended by Chapter 252, Acts of the Forty-second Legislature, Regular Session, by omitting the clause providing that no suit shall be brought for the collection of delinquent taxes for a school district or road district unless instituted within ten years from the time same shall become delinquent, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Nelson:

S. B. No. 347, A bill to be entitled "An Act amending Article 7269 Revised Civil Statutes of Texas, 1925, by providing that the liens created in that article shall constitute a first lien superior to all other liens, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Neal:

S. B. No. 348, A bill to be entitled "An Act creating the office of Criminal District Attorney in all counties having a population of not less than 75,000 nor more than 77,100, and not containing a city of more than 40,000 inhabitants as determined by the last preceding Federal Census, and in which counties there are one or more Judicial Districts and, in which the County Attorney performs

the duties of County Attorney and District Attorney, and in which there is not now a District Attorney; providing that the present County Attorney in those counties shall qualify as Criminal District Attorney, remain in office for the period such officer would have held his office as County Attorney had this Act not been passed; providing that such officer shall take the oath and give the bond required of District Attorneys by the Constitution and Laws of this State; provided that such Criminal District Attorney shall have and exercise all powers, duties and privileges within such county as are by law conferred or which may hereafter be conferred upon District and County Attorneys and providing the compensation for such officer; providing for the appointment of assistants, deputies and clerks; fixing their powers, duties and compensation; providing for the election of a Criminal District Attorney in each such county; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Westerfeld:

S. B. No. 349, A bill to be entitled "An Act providing and authorizing that any bonds, interest thereon, or similar obligations, issued by any municipality or political division of the State may be made payable at the office of the State Treasurer, designating and constituting the State Treasurer, Ex-officio Treasurer and fiscal agent of such municipalities and political divisions for such purposes, providing for the deposit and payment of funds by municipalities and political divisions with the State Treasurer for such purposes, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Westerfeld:

S. B. No. 350, A bill to be entitled "An Act making it unlawful after January first, nineteen hundred and thirty-eight, to operate on any public highway or street in this State, any motor vehicle registered in this State, and manufactured or assembled after said date, unless such vehicle be equipped with safety glass, wherever glass is used in partitions, doors, windows and windshields of such

vehicle; and providing that all replacements of such glass in any such vehicle shall after such date, be made with safety glass; and defining the term 'safety glass,' and requiring the State Highway Commission to maintain a list of types of safety glass approved by it as conforming to this Act; and providing for the withholding of permits, licenses and registration certificates of motor vehicles not equipped with safety glass as required by this Act; and providing that violation of this Act shall constitute a misdemeanor, and prescribing a penalty therefor, and repealing all laws and parts of laws in conflict with this Act."

Referred to Committee on State Highways and Motor Traffic.

By Senator Woodruff:

S. B. No. 351, A bill to be entitled "An Act creating a Special Road Law for Montague County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$11,500.00 and designated scrip warrants in an amount not exceeding \$38,500.00 outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; providing that the general laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to Committee on State Highways and Motor Traffic.

By Senator Davis:

S. B. No. 352, A bill to be entitled "An Act making an appropriation from the Treasury of the State of Texas from any funds not otherwise appropriated, to the Upper Colorado River Authority; providing for the method of drawing warrants; providing for the payment thereof; and declaring an emergency."

Referred to Committee on Finance.

By Senator Redditt:

S. B. No. 353, A bill to be entitled "An Act granting aid to the property in and inhabitants of Newton County, Texas, and to Newton County made necessary by reason of its location on the Sabine River and by reason of calamitous overflows, floods, and storms, which cause great destruction of property, and menacing of life; remitting, releasing, granting and donating to the property in and inhabitants of said county and to Newton County, all State ad valorem taxes for general revenue purposes levied or to be levied on property in said county, including the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1937 to 1947, both inclusive; providing how such remitted, released, granted and donated taxes may be used and providing that if any part of this Act be held unconstitutional it shall not effect any other part of this Act, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Westerfeld:

S. B. No. 354, A bill to be entitled "An Act to amend Section 2, Chapter 181, Acts of the Forty-fourth Legislature, 1935, by adding thereto the following provisions requiring that the Texas Ranger Force and its personnel, property, equipment and records be under the jurisdiction of the Department of Public Safety, that Texas Rangers shall consist of one headquarters company and not to exceed two companies of mounted men except in cases of emergency, designating commander and aids of said division, designating powers of rangers and making provisions for special rangers, outlining duties of special rangers, and provisions for disposing of confiscated property and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Westerfeld:

S. B. No. 355, A bill to be entitled "An Act creating and establishing what shall be known as an 'escheat fund' in the office of the Treasurer of the State of Texas; withdrawing from certain officers, persons, firms and corporations the power to retain or hold in their possession any unclaimed funds or money for longer than a certain period of time des-

ignated herein; providing that such funds shall on certain dates, periodically be reported to the State Treasurer, providing the manner of making such report and for the payment of all unclaimed moneys so reported to the State Treasurer to be deposited in the 'escheat fund'; providing for the method of handling such funds by the State Treasurer, for the bringing of suits by claimants to determine the ownership of any such funds; providing for the investment of seventy-five per cent (75%) of such funds by the State Depository Board, and the manner of such investment; providing certain duties for the Attorney General and district and county attorneys acting for him in suits brought by claimants; providing penalties for any violation of this law; providing that if any part of this law should be declared unconstitutional, it shall not affect the remainder or other portions of the law; expressly repealing all laws in conflict herewith and declaring an emergency."

Referred to Committee on State Affairs.

Senate Concurrent Resolution No. 36.

Senator Newton offered the following resolution:

S. C. R. No. 36, Granting permission to the Clement Grain Company of Waco, McLennan County, Texas, to sue the State.

The resolution was read and was referred by the President to the Committee on State Affairs.

House Concurrent Resolutions Adopted.

The President laid before the Senate, for consideration at this time, the following resolutions:

H. C. R. No. 3, Authorizing F. L. Ehrig to sue the State.

H. C. R. No. 9, Authorizing Mrs. Tom Harrell to sue the State.

H. C. R. No. 15, Authorizing Mrs. E. L. Kitchens to sue the State.

H. C. R. No. 18, Authorizing B. C. Brook to sue the State.

H. C. R. No. 16, Authorizing Uvalde Construction Company to sue the State.

H. C. R. No. 19, Authorizing H. Guthrie to sue the State.

H. C. R. No. 30, Authorizing Floyd Arwine to sue the State.

H. C. R. No. 32, Authorizing Mrs. Annie Smith to sue the State.

The resolutions were adopted severally.

House Concurrent Resolution No. 34.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 34, Commending the Inter-Fraternity Council of the University of Texas, the University of Texas, and the Police Department of the City of Austin.

The resolution was adopted.

House Concurrent Resolution No. 10.

The President laid before the Senate, for consideration at this time:

H. C. R. No. 10, Requesting the Congress of the United States to pass legislation entitling the State of Texas and its political subdivisions to be reimbursed for the loss of taxes due on the Federal Government's reforestation program.

The resolution was adopted.

House Bill No. 238 on Second Reading.

The President laid before the Senate, on its second reading and passages to third reading:

H. B. No. 238, A bill to be entitled "An Act making appropriations to defray the costs assessed against the State of Texas of the Rio Grande joint investigation being conducted by the National Resources Committee, through the Water Resources Committee, constituted under Act of Congress, and making appropriations to pay the court costs and expenses of the Attorney General in the prosecution of the complaint of the State of Texas in the cause of the State of Texas vs. the State of New Mexico, et al., No. 12 Original, October Term, 1936, in the Supreme Court of the United States, and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 238 by adding at the end of Section 1 of said bill the following:

"Provided, however, that none of said appropriation shall be spent for the employment of counsel or the payment of attorneys' fees."

(2)

Amend H. B. No. 238 by inserting immediately before the last paragraph of Section 1 of the bill the following:

"Provided that none of the moneys hereby appropriated shall be used except in connection with expenses as provided for herein; and before any warrant is issued pursuant to this Act, the Comptroller shall require an affidavit that the amount included in the request for the warrant was used exclusively in the cause of the State of Texas vs. New Mexico, et al., No. 12, in the Supreme Court of the United States."

The (committee) amendments were adopted severally.

Senator Van Zandt offered the following amendment to the bill:

Amend the caption to conform with changes made in the body of the bill.

The amendment was adopted.

H. B. No. 238 was passed to third reading.

House Bill No. 238 on Third Reading.

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 238 be placed on its third reading and final passage.

The motion prevailed by the following vote:

.Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 238 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27.

Aikin.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—3.

Beck.	Sulak.
Roberts.	

Absent—Excused.

Lemens.

House Bill No. 33 on Passage to Third Reading.

Senator Spears called up from the President's table, for consideration at this time, on its passage to third reading:

H. B. No. 33, A bill to be entitled "An Act to prohibit the taking of fish in Kimble, Kerr, Edwards, Real, Sutton, Bandera, Mason, Menard, Blanco, Llano, Kendall or Gillespie Counties with any device equipped with more than two hooks, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said counties; providing a closed season from January 1st to May 1st; prohibiting the sale of any fresh water fish in said counties; providing a penalty for any violation of this Act; repealing all General or Special Laws, in so far as they conflict with this Act, and declaring an emergency."

The bill having been read second time on February 11, 1937, and having been laid on the table subject to call on that day.

The President laid the bill before the Senate, on its passage to third reading.

The bill was passed to third reading.

House Bill No. 33 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 33 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

House Bill No. 343 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 343, A bill to be entitled "An Act making an emergency appropriation to the State Prison System at Huntsville, Texas, for the erection, construction, building, and equipping of a power plant at said Huntsville Prison, Wynne State Prison Farm, and Goree State Prison Farm, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill No. 343 on Third Reading.

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 343 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 343 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29.

Aikin.	Isbell.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Shivers.

Small.	Weinert.
Spears.	Westerfeld.
Stone.	Winfield.
Sulak.	Woodruff.
Van Zandt.	

Nays—1.

Roberts.

Absent—Excused.

Lemens.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 1, A bill to be entitled "An Act repealing Article 6203, Revised Civil Statutes of 1925 as amended by Chapter 45, Acts of the Forty-first Legislature, First Called Session, Chapter 9, Fourth Called Session of the Forty-first Legislature, and Chapter 11, Fifth Called Session of the Forty-first Legislature, creating a Board of Pardons and Paroles, fixing their terms of office, providing a method of appointment thereto and authorizing recess appointments; limiting the power of the Governor in the matter of reprieves, commutations of punishment and pardons; providing for one reprieve of not more than thirty (30) days in any capital case; empowering the Governor to revoke paroles and other forms of clemency and establishing rules and regulations to govern each action; fixing the salaries of the members of the Board of Pardons and Paroles and providing for traveling expenses and accommodations, prescribing their duties, providing for their offices, fixing their places of meeting and empowering them to employ a secretary and other assistants; creating the office of parole supervisor, fixing the salary, prescribing the duties and qualifications, and providing for the appointment thereto; empowering the Governor to appoint Voluntary County Parole Commissioners, and citing their duties; providing for the ap-

pointment of an executive secretary to the Voluntary County Parole Commissions in and for each Senatorial district in the State of Texas, fixing the salary and prescribing the duties of each executive secretary; providing that the Board of Pardons and Paroles shall determine which prisoners shall be released from the penitentiary before the expiration of their maximum term and providing that the general manager of the Texas Prison System, insofar as his records will allow, furnish the Board of Pardons and Paroles with a complete social and criminal record of each prisoner in his charge; defining the duties of each district judge pronouncing sentence upon a prisoner; determining how prisoners serving sentence in the penitentiary shall become eligible for parole, and the manner and conditions of release; requiring an investigation into the case of each parolee suspected of violating the terms of his parole and requiring a hearing in each prisoner's case when he shall be so charged, and providing for the revocation of same; providing the method of computing a prisoner's time served; requiring all parolees to comply with the terms of their release; establishing a method of application for restoration of citizenship and full rights and privileges of suffrage; declaring that if any part of this Act shall be held unconstitutional or invalid the remainder shall remain in effect and force, and declaring an emergency."

(With amendments.)

H. B. No. 470, A bill to be entitled "An Act re-enacting and amending Article 4902, Revised Civil Statutes of 1925, as amended by Chapter 180, Acts of the Regular Session of the Forty-second Legislature, so as to provide for levying, assessing and collecting an additional one and one-fourth per cent of the gross fire and/or lightning, and/or tornado, and/or windstorm, and/or hail insurance premiums of all companies doing business of fire or lightning or tornado or windstorm or hail insurance in this State, according to the reports made to the Board of Insurance Commissioners as required by law, and so as to provide that the taxes levied and assessed against the

gross premiums of certain insurance companies shall be independent of and in addition to all other taxes imposed by law upon such companies, and declaring an emergency."

H. B. No. 471, A bill to be entitled "An Act providing for the annual assessment and collection of a tax on premiums for Workmen's Compensation insurance policies written by stock companies, mutual companies, reciprocals or inter-insurance exchanges, or Lloyds associations covering risks in this State to defray the salaries and expenses of carrying out the provisions of Articles 4907 to 4918, inclusive, Chapter 10, Title 78, Revised Civil Statutes of 1925, and providing that any unexpended balance shall be carried over in succeeding years in a separate fund, and shall reduce the assessment for succeeding years, and repealing Article 4906, Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 586, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13 and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, and adding a new Section to be known as Section 17-A authorizing the Commission to make reciprocal arrangements with other states and the Federal Government with respect to wages earned and benefits accumulated by employees in other states, and declaring an emergency."

S. B. No. 104, A bill to be entitled "An Act to amend Section 9 of Chapter 22 of the Acts of the Fortieth Legislature, Regular Session, H. B. No. 80, creating the County Courts at Law of Bexar County, Texas, by providing, by this Act, that the judges of said courts may exchange benches and sit and act for and with each other in any case, matter or proceeding now or hereafter pending in said courts; also an Act to amend the last amendment of Section Eleven (11) of the said Acts of the Fortieth Legislature, said last amendment of said Section of said Acts having been passed by the Forty-fourth Legislature, Regular Session, being Chapter 309, H. B. No. 344, by providing, by this Act, that neither of the judges of the

two County Courts at Law of Bexar County, Texas, shall be required to give any bond but that they shall take the oath of office prescribed by the Constitution of Texas, also by this Act to increase and fix the annual salaries of said judges of said courts, and provide for the payment of such salaries; also an Act to amend Section 14 of the said Acts of the Fortieth Legislature by providing for the appointment and election of special judges of said two County Courts at Law of Bexar County, Texas, and fixing and providing for the payment of their compensation; also an Act to amend Section 15 of the said Acts of the Fortieth Legislature by providing for seals of said County Courts at Law of Bexar County, Texas, and providing that the county clerk of Bexar County, Texas, shall be the clerk of said courts, etc., and declaring an emergency."

S. B. No. 174, A bill to be entitled "An Act validating certain bonds of cities in the State of Texas operating under the General Laws of the State and located in counties having a population of less than 80,000 and more than 70,000 according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenues to be derived from the operation of the city's water works system; authorizing the city to complete its proceedings for the authorization, sale, and delivery of such bonds; and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills on First Reading.

The following bills, received from the House today, were read first time and referred to appropriate committees as indicated:

H. B. No. 470, to Committee on Insurance.

H. B. No. 471, to Committee on Insurance.

H. B. No. 586, to Committee on Labor.

Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled resolution:

S. C. R. No. 32, Thanking the citizens of Lubbock, Texas.

House Bill No. 215 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 215, A bill to be entitled "An Act creating a Special Road Law for Hardeman County, Texas, authorizing the funding and refunding of items of indebtedness, outstanding on December 14, 1936; against the road and bridge fund of said county, into time warrants, prescribing the terms and conditions in reference to said time warrants, and the duties of the officers in the issuance thereof; validating an order passed by the Commissioners' Court of Hardeman County, Texas, on December 14, 1936, and the items of indebtedness described therein and authorized to be funded and refunded into time warrants; providing that this law shall be cumulative of General Laws on the subject of roads and bridges and on the subject of funding and refunding warrants, when not in conflict with the provisions hereof; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict, and declaring an emergency."

The bill was read second time.

Senator Oneal offered the following (committee) amendments to the bill:

(1)

Amend H. B. No. 215, by striking out in the third sentence in Section 1, the words, "or otherwise."

(2)

Amend H. B. No. 215, by striking out in the third sentence in Section 1, the words and figures forty (40) and inserting in lieu thereof, the words and figure ten (10).

(3)

Amend H. B. No. 215, by striking out the words and figures six (6) in

the third sentence of Section 1 and inserting in lieu thereof the word and figure five (5).

(4)

Amend H. B. No. 215, by striking out Section five (5) of said bill and renumbering the succeeding Section accordingly.

(5)

Amend the caption to H. B. No. 215 to conform to changes made in body of bill.

The (committee) amendments were adopted severally.

H. B. No. 215 was then passed to third reading.

House Bill No. 215 on Third Reading.

Senator Oneal moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 215 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 215 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Collie.
Beck.	Cotten.
Brownlee.	Davis.
Burns.	Head.

Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Moore.	Spears.
Neal.	Stone.
Nelson.	Sulak.
Newton.	Van Zandt.
Oneal.	Weinert.
Pace.	Westerfeld.
Rawlings.	Winfield.
Redditt.	Woodruff.

Absent—Excused.

Lemens.

House Bill No. 358 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 358, A bill to be entitled "An Act providing that it shall be unlawful to take any fish for sale from the waters of Lake Corpus Christi or from the waters of the Nueces River between La Fruta dam on the Nueces River and the highway bridge over the Nueces River near George West; providing a closed season for fishing in said waters; prohibiting the use of certain devices for taking fish in said waters; providing a suitable penalty for any violation of this Act; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill No. 358 on Third Reading.

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended, and that H. B. No. 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Neal.
Beck.	Nelson.
Brownlee.	Newton.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Moore.	Stone.

Sulak.	Westerfeld.
Van Zandt.	Winfield.
Weinert.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 358 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

House Bill No. 246 on Second Reading.

The President laid before the Senate, on its second reading and passage to third reading:

H. B. No. 246, A bill to be entitled "An Act to declare a closed season on the killing of quail and dove in Haskell County for a period ending February 1st, 1940; prescribing a penalty therefor, and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill No. 246 on Third Reading.

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 246 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Burns.
Beck.	Collie.
Brownlee.	Cotten.

Davis.	Redditt.
Head.	Roberts.
Hill.	Shivers.
Holbrook.	Small.
Isbell.	Spears.
Moore.	Stone.
Neal.	Sulak.
Nelson.	Van Zandt.
Newton.	Weinert.
Oneal.	Westerfeld.
Pace.	Winfield.
Rawlings.	Woodruff.

Absent—Excused.

Lemens.

The President laid H. B. No. 246 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

Senate Bill No. 342 on Second Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 342 be placed on its second reading and passage to engrossment.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Holbrook.
Beck.	Isbell.
Brownlee.	Moore.
Burns.	Neal.
Collie.	Nelson.
Cotten.	Newton.
Davis.	Oneal.
Head.	Pace.
Hill.	Rawlings.

Redditt.
Roberts.
Shivers.
Small.
Spears.
Stone.

Suiak.
Van Zandt.
Weinert.
Westerfeld.
Winfield.
Woodruff.

Absent—Excused.

Lemens.

On motion of Senator Small and by unanimous consent, the rules requiring printed copies of a bill to be on the desk of each Senator 24 hours before consideration of the bill by the Senate and requiring a committee report to lie over one day before consideration of the bill reported were severally suspended, to permit consideration by the Senate of S. B. No. 342 at this time.

The President then laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 342, A bill to be entitled "An Act creating a Special Road Law for Castro County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding eight thousand (\$8,000.00) dollars and designated scrip warrants in an amount not exceeding fifteen thousand seven hundred forty-five and 21/100 (\$15,745.21) dollars, outstanding against its Road and Bridge Fund as of January 1, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, and in issuing and delivering said warrants; validating the order heretofore passed by the commissioners' court authorizing the issuance of road and bridge funding bonds and the tax levied to pay principal and interest thereof and prescribing the duties of the Attorney General and the Comptroller of Public Accounts in reference thereto; providing that the General Laws pertaining to roads and bridges shall be applicable to said county, when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident to and relating to the subject and purpose of this Act, and declaring an emergency."

The bill was read second time and was passed to engrossment.

11—Jour.

Senate Bill No. 342 on Third Reading.

Senator Small moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 342 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. B. No. 342 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

Senate Joint Resolution No. 9 on Second Reading.

The President laid before the Senate, on its second reading and passage to engrossment:

S. J. R. No. 9, Proposing an amendment to Section 16, Article XVI, of the Constitution of Texas; providing that the Legislature shall authorize the incorporation of banking bodies and provide for the supervision and regulation of same; providing for all of the capital stock to be subscribed and paid for before charter issued; restricting foreign corporations from doing banking business; restricting corporate business to one place.

The resolution was read second time and was passed to engrossment by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

Senate Joint Resolution No. 9 on Third Reading.

Senator Rawlings moved that the rule requiring joint resolutions to be read on three several days be suspended and that S. J. R. No. 9 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. J. R. No. 9 before the Senate, on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

House Bill No. 245 on Final Passage.

Senator Collie called up from the President's table, on its final passage (the bill having been read third time on February 11, 1937, and having been tabled subject to call on that day):

H. B. No. 245, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton and Shackelford Counties for a period ending February 1st, 1941; prescribing a penalty therefor, and declaring an emergency."

The President laid the bill before the Senate on its final passage.

Senator Collie offered the following amendment to the bill:

Amend H. B. No. 245, lines 3 and 4, Section 2, by striking out the words and figures "five dollars (\$5.00) and twenty-five dollars (\$25.00)" and insert in lieu thereof the words and figures "twenty-five (\$25.00) dollars and two hundred (\$200.00) dollars."

The amendment was adopted unanimously.

Senator Small offered the following amendment to the bill:

Amend by adding Childress County.

The amendment was adopted unanimously.

The bill was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

Senate Bill No. 177 on Second Reading.

Senator Woodruff moved that the rules relating to the consideration and passage of bills during the earlier days of the Regular Session of the Legislature be suspended, to allow consideration and passage by the Senate of S. B. No. 177 at this time.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

On motion of Senator Woodruff and by unanimous consent, the regu-

lar order of business was suspended to take up S. B. No. 177 and have the bill placed on its second reading and passage to engrossment.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled "An Act to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, and as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any part of this amendment be unconstitutional or be invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing Chapter 117, Acts of the First Called Session of the Forty-third Legislature, except as herein re-enacted, and declaring an emergency."

The bill was read second time.

Senator Shivers offered the following amendment to the bill:

Amend S. B. No. 177 by striking out in line 31 the following:

"On September 17, 1932, or that theretofore constituted a part of said system."

Question—Shall the amendment be adopted?

On motion of Senator Woodruff, the bill was laid on the table subject to call.

Senate Bill No. 84 on Passage to Engrossment.

(Special Order.)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 84, A bill to be entitled "An Act to provide, with approval of court the purchase by guardian of life insurance and/or annuity contracts for benefit of his or her ward; and further amending Article 4180

of the Revised Civil Statutes of the State of Texas, 1935, Acts 1929, Forty-first Legislature, Chapter 305, page 684, paragraph 1, relating to the investment of surplus funds of ward in the hands of guardians, or loan same, designating certain investments that may be made, and declaring an emergency."

With the following amendment by Senator Westerfeld pending:

Amend S. B. No. 84 by striking out all of the phraseology beginning on line 28 with the word "or" and ending on line 32 with the word "estate."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—11.

Aikin.	Oneal.
Davis.	Small.
Hill.	Spears.
Isbell.	Westerfeld.
Nelson.	Winfield.
Newton.	

Nays—17.

Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Roberts.
Collie.	Shivers.
Cotten.	Stone.
Head.	Van Zandt.
Holbrook.	Weinert.
Moore.	Woodruff.
Pace.	

Absent.

Neal. Sulak.

Absent—Excused.

Lemens.

Senator Westerfeld offered the following amendment to the bill:

Amend S. B. No. 84 by striking out lines 47 to 55, inclusive.

Senator Davis offered the following substitute for the amendment:

Amend S. B. No. 84, by striking out all of lines 47 to 50, inclusive.

Senator Aikin raised a point of order on consideration of the substitute, and submitted his point of order in writing, as follows:

"I raise the point of order that the amendment of Senator Davis is

not a proper substitute for the amendment offered by the Senator from Dallas. The proper procedure being a division of the question in the amendment offered by the Senator from Dallas."

The President overruled the point of order.

(Senator Head in the Chair.)

Question recurring on the substitute, yeas and nays were demanded.

The substitute was adopted by the following vote:

Yeas—23.

Beck.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Shivers.
Head.	Small.
Hill.	Stone.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Moore.	Winfield.
Nelson.	Woodruff.
Newton.	

Nays—3.

Aikin. Spears.
Brownlee.

Present—Not Voting.

Westerfeld.

Absent.

Neal. Sulak.
Roberts.

Absent—Excused.

Lemens.

The amendment as substituted was then adopted.

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 84, line 54 by striking out all of the remaining paragraph after the word "terminated."

The amendment was adopted.

Senator Collie offered the following amendment to the bill:

Amend S. B. No. 84 by adding a new paragraph at the conclusion of Section 1, as follows:

"It is expressly provided that the guardian shall in no event be authorized to contract for new life insurance on the life of such ward wherein such guardian is made the beneficiary; and no premiums for such insurance shall be paid out of the estate of such ward."

Senator Shivers offered the following amendment to the amendment:

Amend Collie Amendment by adding at the end thereof the following: "except in such cases where the guardian is the natural parent of the ward."

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Rawlings offered the following amendment to the bill:

Amend S. B. No. 84 by striking out Section 2 thereof and inserting in lieu thereof the following:

Section 2 of said Article 4180 is hereby repealed.

The amendment was adopted.

Question—Shall S. B. No. 84 be passed to engrossment?

Senate Bill No. 289 on Second Reading.

On motion of Senator Van Zandt and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act creating a Special Road Law for Fannin County, Texas, providing that said county may fund or refund the interest-bearing time warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay etc."

(President in the Chair.)

On motion of Senator Van Zandt and by unanimous consent, the rule

requiring a committee report to lie over one day before consideration of the bill reported was suspended, to permit consideration by the Senate of S. B. No. 289 at this time.

The President then laid S. B. No. 289 before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 289 on Third Reading.

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. B. No. 289 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Isbell.
Beck.	Moore.
Brownlee.	Neal.
Burns.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Davis.	Pace.
Head.	Rawlings.
Hill.	Redditt.
Holbrook.	Roberts.

Shivers.
Small.
Spears.
Stone.
Sulak.

Van Zandt.
Weinert.
Westerfeld.
Winfield.
Woodruff.

Absent—Excused.

Lemens.

Senate Bill No. 186 on Second Reading.

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up and have placed on its second reading and passage to engrossment:

S. B. No. 186, A bill to be entitled "An Act providing for a juvenile board and the appointment of a chief probation officer and assistant probation officers and superintendents of certain institutions in counties having a population of not more than three hundred and twenty thousand inhabitants and not less than two hundred and twenty thousand inhabitants according to the last preceding or any future Federal Census and providing that the appointment and election of the chief probation officer and assistants and superintendents of institutions as herein provided for in such counties shall be appointed by the county judge and confirmed by such juvenile board, provided, however, that such power of appointment and election of such officers, as conferred by this Act, shall not be effective until the expiration of the terms of office of the present incumbents of such offices, and providing for the bonding of such officers, etc., and declaring an emergency."

The President laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 186 on Third Reading.

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 186 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotton.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. B. No. 186 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotton.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

Senate Bill No. 278 on Second Reading.

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 278, A bill to be entitled "An Act authorizing the State Board of Control to transfer to Harris County, Texas, the title held by the State of Texas, in certain lands situated within the boundaries of the San Jacinto State Park to be used

as a right-of-way for road purposes within said park, in exchange for certain land owned by Harris County, Texas, within the boundaries of said park and now used for road purposes therein, and authorizing the State Board of Control to execute a quit claim deed conveying the State's title to said land for right-of-way purposes for the construction and maintenance of a road within the boundaries of said park, etc., and declaring an emergency."

The President laid the bill before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 278 on Third Reading.

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended, and that S. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. B. No. 278 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Collie.
Beck.	Cotten.
Brownlee.	Davis.
Burns.	Head.

Hill.	Roberts.
Holbrook.	Shivers.
Isbell.	Small.
Moore.	Spears.
Neal.	Stone.
Nelson.	Sulak.
Newton.	Van Zandt.
Oneal.	Weinert.
Pace.	Westerfeld.
Rawlings.	Winfield.
Redditt.	Woodruff.

Absent—Excused.

Lemens.

House Bill No. 56 on Second Reading.

On motion of Senator Redditt and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; repealing all laws and parts of Laws, General or Special, in conflict herewith, and declaring an emergency."

On motion of Senator Redditt and by unanimous consent, the rules requiring printed copies of bills to be on the desk of each Senator 24 hours before consideration of the bill by the Senate and requiring committee reports to lie over one day before consideration of the bill reported were suspended severally, to permit consideration by the Senate of H. B. No. 56 at this time.

The President laid the bill before the Senate, on its second reading and passage to third reading.

The bill was read second time.

Senator Redditt offered the following amendments to the bill:

(1)

Section a. In counties having a population of not less than thirty thousand, two hundred (30,200), nor more than thirty thousand five hundred (30,500), according to the last preceding Federal Census, the

County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. b. In counties having a population of not less than twelve thousand (12,000), nor more than twelve thousand five hundred (12,500), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. c. In counties having a population of not less than twenty seven thousand five hundred (27,500), nor more than twenty eight thousand (28,000), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. d. In counties having a population of not less than eleven thousand five hundred (11,500), nor more than twelve thousand (12,000), according to the last preceding Fed-

eral Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. e. In counties having a population of not less than twelve thousand five hundred (12,500), nor more than thirteen thousand (13,000), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. f. In counties having a population of not less than seventeen thousand (17,000), nor more than seventeen thousand five hundred (17,500), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. g. In counties having a population of not less than eleven thousand (11,000), nor more than eleven thousand five hundred (11,500), according to the last pre-

ceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. h. In counties having a population of not less than fourteen thousand five hundred eighty (14,580), nor more than fourteen thousand five hundred ninety (14,590), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. i. In counties having a population of not less than twenty-two thousand six hundred forty (22,640), nor more than twenty-two thousand six hundred fifty (22,650), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. j. In counties having a population of not less than thirteen thousand nine hundred thirty (13,930), nor more than thirteen thousand nine hundred forty (13,940), according to the last preceding Federal

Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. k. In counties having a population of not less than twenty-eight thousand six hundred twenty (28,620), nor more than twenty-eight thousand six hundred thirty (28,630), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

Sec. l. In counties having a population of not less than fifteen thousand one hundred forty-five (15,145), nor more than fifteen thousand one hundred fifty-five (15,155), according to the last preceding Federal Census, the County Boards of Trustees may make such provisions as they deem necessary for office and traveling expenses of the County Superintendent of Public Instruction, and any assistant he may have; provided that the amount of such expenditures for office and traveling expenses shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum. The amount allowed shall be paid in the manner and in accordance with now existing laws governing the maintenance of the office of the County Superintendent.

(2)

Amend H. B. No. 56 by amending Section 3 so that Section 3 being amended shall read as follows:

Sec. 3. The great diversity of

conditions existing in counties with populations contained herein, according to the last preceding Federal Census, and the large amount of traveling and the expenses of such to the County Superintendents in spending a minimum of four (4) days per week in supervision of schools in such counties, many of which are a great distance from the office of the County Superintendent; and the many added duties creating extra expenses to the office, and due to the financial conditions of the different county General Funds, counties have not been able to purchase supplies for the office, and the further fact that the sum of Three Hundred Dollars (\$300.00) per year now allowed by General Law to Superintendents of such counties is wholly inadequate to meet the expense of the County Superintendent incident to the work and traveling required, and thereby causing a great financial burden to be sustained by said County Superintendents, and in many instances materially reducing the efficiency of the office, constitute an emergency and an imperative public necessity, and authorize the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and said Rule be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question—Shall the amendment be adopted?

On motion of Senator Redditt, the bill was laid on table subject to call.

Senate Bill No. 303 on Second Reading.

On motion of Senator Brownlee and by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment:

S. B. No. 303, A bill to be entitled "An Act creating a Special Law for San Saba County, Texas, providing that said county may fund certain warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all Acts of the commissioners' court and of the county officials of said county in authorizing, issuing and delivering said warrants; providing

that the General Laws pertaining to road and bridges shall be applicable to said county, when not in conflict herewith; etc., and declaring an emergency."

On motion of Senator Brownlee and by unanimous consent, the rule requiring committee reports to lie over one day before consideration of the bill reported was suspended, to permit consideration by the Senate of S. B. No. 303 at this time.

The President then laid S. B. No. 303 before the Senate, on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill No. 303 on Third Reading.

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Davis.	Small.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent—Excused.

Lemens.

The President laid S. B. No. 303 before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30.

Aikin.	Davis.
Beck.	Head.
Brownlee.	Hill.
Burns.	Holbrook.
Collie.	Isbell.
Cotten.	Moore.

Neal.	Small.
Nelson.	Spears.
Newton.	Stone.
Oneal.	Sulak.
Pace.	Van Zandt.
Rawlings.	Weinert.
Redditt.	Westerfeld.
Roberts.	Winfield.
Shivers.	Woodruff.

Absent—Excused.

Lemens.

Adjournment.

On motion of Senator Woodruff, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX.

Reports of Standing Committees.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 165, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 15, Acts of the 42nd Legislature, Second Called Session, giving additional authority to the commissioners' court in certain counties relative to the compensation or salary to be paid county auditors in such counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 22, A bill to be entitled "An Act to amend Chapter 3, of the Acts of the Regular Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflow by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected

on property and from persons in Galveston County for a period of ten (10) years, and to provide a penalty for their misapplication,' by extending the provision of said Act for a period of five (5) years from September 1, 1938, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 267, A bill to be entitled "An Act granting to the Sabine-Neches Conservation District power and authority to carry on soil conservation work within the boundaries of said district; prescribing the duties of the Board of Directors of the Sabine-Neches Conservation District in connection with the administration of this Act; providing for the creation of Soil Conservation sub-districts to engage in conserving soil resources and preventing and controlling soil erosion; defining the power and duties of such Soil Conservation sub-districts, and providing for the exercise of such powers, including power to acquire property by purchase, gift or otherwise; empowering such sub-districts to adopt programs and regulations for the discontinuance of land-use practices contributing to soil erosion, and the adoption and carrying out of soil conserving land-use practices, and providing for the enforcement of such programs and regulations; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 276, A bill to be entitled "An Act granting aid to San Jacinto, Polk, Trinity, Houston, and Walker

Counties, Texas, made necessary by reason of the fact that the Federal Government has purchased in said counties practically 50 per cent of the land in said counties, thereby taking off the tax rolls so much valuation that said counties cannot operate a county government and has caused great destruction to the roads and other improvements in said counties, remitting, releasing, granting, and donating to said counties, all State ad valorem taxes and occupational taxes levied or to be levied on property in said counties including the rolling stock of railroads for the years 1937-1942, both inclusive; providing that all grants, remissions, and donations shall apply to taxes collected for State General Revenue purposes only; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1, and be printed.

PACE, Chairman.

Committee Amendment No. 1.

Amend S. B. No. 276 by adding the words "Angelina, Sabine," after the words "Trinity, Houston," wherever they appear in the caption and body of the bill.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 167, A bill to be entitled "An Act to provide for the licensing of certain persons connected with race tracks; providing for residential requirements; prohibiting the employment of any person by the Texas Racing Commission who has a financial interest in any horse entered under the supervision of the Commission; providing authority to deny and revoke licenses; making certain exceptions; defining governing officials; providing penalties; providing a saving clause; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute therefor do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 43, A bill to be entitled "An Act providing that a deplorable condition existing in that area of the State included in the Counties of Loving, Reeves, Ward and Pecos, has produced a condition which is declared to be a public calamity and making a grant of funds to Red Bluff Water Power Control District to pay principal and interest on bonds issued to provide funds to construct a large storage reservoir on the Pecos River for irrigation of the lands within such District and the construction of a hydro-electric plant and electric distribution system, and providing for the handling of such funds, the payment thereof, and providing a grant of all of the net amounts of the annual current State ad valorem taxes that may be collected from the property and from persons in said Counties of Loving, Reeves, Ward and Pecos, which would otherwise go into the General Revenue Fund of the State of Texas, (including the Rolling Stock belonging to railroad companies which shall be ascertained and apportioned as now provided by law), and providing that the amount so granted shall not exceed in any one year the sum of \$85,000.00 and further limiting the amount granted to an amount not to exceed in any one county the sum that would be produced for any current year by the levy of the then current State ad valorem tax for General Revenue purposes on the valuation of said county as shown by the Comptroller's records for the year 1936 and that all sums collected in excess of such amount shall continue to go into the General Revenue Fund of the State, and providing for the payment of the amounts so granted into the State Treasury as a Trust Fund and the

payment of same by the State Treasurer to Red Bluff Water Power Control District for the purposes for which same is granted for a term of years, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that committee substitute do pass in lieu thereof and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 340, A bill to be entitled "An Act creating a Special Road Law for Pecos County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$52,000.00 and designated scrip warrants in an amount not exceeding \$56,000.00 outstanding against its Road and Bridge Fund as of February 20, 1937, etc., and creating an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 56, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 65, A bill to be entitled "An Act empowering the Courts of the State of Texas having original jurisdiction of criminal actions to suspend the imposition or execution of sentence and to place defendants on probation under certain conditions; specifying conditions of probation which, among others, may be imposed; providing for investigation, by probation officers, of the defendants seeking to come within the provisions of this Act; prescribing the period of probation and any extensions thereof; providing for the discharge of defendants who have observed the conditions of probation imposed by the courts and the legal effect of such discharge; providing for the arrest, with or without warrant, of defendants on probation, and for the reimposition of sentence without jury trial in the event the conditions of probation have been violated; providing that the court may require bond of the defendant before releasing him on probation, and fixing the conditions of said bond; providing for the appointment of probation officers and making provision for their compensation and for their necessary expenses, and for the bonding of such probation officers as shall handle moneys; granting to the appointing judges the power to remove or suspend probation officers under certain conditions; requiring the services of such probation officers to be available, under certain conditions, to judges of other courts, and to Parole Boards in the State of Texas for supervision of paroled convicts; prescribing the duties of such probation officers and the powers of such officers; providing that information obtained by said officers shall be privileged; providing for the transfer of probationers from one

district to another under certain conditions; directing the commissioners' courts to provide space for said probation officers; designating 'chief' and 'assistant' probation officers; retaining the effectiveness of the present suspended sentence law as to all defendants now under such sentence; repealing all laws or parts of laws in conflict herewith; providing that if any part of this Act is declared unconstitutional it shall not affect the validity of the remainder of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 342, A bill to be entitled "An Act creating a Special Road Law for Castro County, Texas, providing that said county may fund or refund designated interest-bearing time warrants in an amount not exceeding \$8,000.00 and designated scrip warrants in an amount not exceeding \$15,745.21 outstanding against its Road and Bridge Fund as of January 1, 1937, by the issuance of funding bonds, and settling forth the method of issuing same, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 432, A bill to be entitled "An Act amending Article I of Acts 1935, Forty-fourth Legislature, Second Called Session, page 1795, Chapter 467, known as the Texas Liquor Control Act, by adding thereto a new

Section to be known as Section 50; authorizing search warrant to issue for the purpose of searching for and seizing and disposing of intoxicating liquors under certain circumstances and prescribing the rules relative thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

STONE, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 432 by adding thereto two new sections reading as follows:

"Section 1a. Section 3 of Article I, House Bill No. 77, Acts of the Second Called Session of the Forty-fourth Legislature, is hereby amended so as to hereafter read as follows:

"Sec. 3. (a) The term "open saloon," as used in this Act, means any place where any intoxicants whatever, manufactured in whole or in part by means of the process of distillation or any liquor compounded or composed in part of distilled spirits, are sold or offered for sale in broken or unsealed containers, for human consumption on the premises where sold or offered for sale, other than by the holder of a dispenser's permit provided for herein; or any place where the holder of a dispenser's permit sells any such liquor in violation of this section.

"Dispensers' permits may be issued only to persons, firms, corporations or associations operating bona fide hotels, dining rooms, restaurants and dining or club cars where such places are equipped to serve, and do regularly and customarily serve meals. No dispenser's permit may be issued to any such person, firm, corporation or association unless and until such bona fide hotel, dining room or restaurant has been in business and operating as such for at least one year prior to the issuance of such permit; provided that such prerequisite as to the time of operation shall not apply to hotels containing twenty or more rooms for rental to the public, or to dining cars.

"Nor shall any person, firm, corporation or association hold a dis-

dispenser's permit whose gross sales of food shall not exceed, in dollars and cents, in any calendar month, his gross sales of liquor. It shall be the duty of the holders of dispenser's permits to make monthly reports of such sales, under oath, to the Texas Liquor Control Board, on such form or forms, and in accordance with rules and regulations as may be prescribed by the Board. Such reports shall be filed on or before the 25th day of each month for the preceding calendar month.

"If at any time sales of liquor by the holder of a dispenser's permit shall exceed in dollars and cents the sales of food for a calendar month, such permit must be cancelled.

"Any person who shall willfully and falsely misrepresent the facts concerning such sales, or make a willfully false report, shall be guilty of perjury and, upon conviction, shall be punished by confinement in the penitentiary for any term of years not less than one nor more than five.

"It shall be unlawful for the holder of a dispenser's permit to sell any liquor of a type or alcoholic content now or hereafter prohibited in the area in which his establishment is located. No holder of a dispenser's permit may sell alcoholic liquors having an alcoholic content in excess of 30 per cent by weight, for consumption on his premises.

"The annual fee for such dispenser's permit shall be Five Hundred (\$500.00) Dollars in counties having a population of more than 175,000, and Three Hundred and Fifty (\$350.00) Dollars in counties having a population of less than 175,000 inhabitants; such population to be determined by the last preceding or any future Federal Census. These fees shall be in addition to the lawful fees levied by any city or county.

"(b) It shall be unlawful for any person, whether as principal, agent or employee, to operate or assist in operating, or to be directly or indirectly interested in the operating of any open saloon in this State.

"(c) Any person who violates any portion of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1000), or by imprisonment in the county jail for not more than one year. Any

person who is twice convicted under the provisions of this section shall for the second and all subsequent offenses be punished by fine of not less than One Hundred Dollars (\$100), nor more than One Thousand Dollars (\$1,000), and by confinement in the county jail for not less than thirty (30) days nor more than one (1) year.

"(d) Any person who violates any provision of Article I of this Act other than those contained in this section shall be subject to the penalties prescribed by Sections 41, 42, 43 and 44."

Sec. 1a. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Committee Amendment No. 2.

Amend the caption of H. B. No. 432 so as to hereafter read as follows:

A BILL
To Be Entitled

An Act amending Article 1 of Acts 1935, Forty-fourth Legislature, Second Called Session, page 1795, Chapter 467, known as the Texas Liquor Control Act, by adding thereto a new section to be known as Section 50; authorizing search warrant to issue for the purpose of searching for and seizing and disposing of intoxicating liquors under certain circumstances and prescribing the rules relative thereto; and by amending Section 3 of Article 1 of such bill; repealing all laws in conflict herewith; and declaring an emergency.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 145, A bill to be entitled "An Act increasing the amount that may be allowed by County Board of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in counties with a population of not less than thirty thousand, two hundred (30,200) nor more than thirty thousand five hundred (30,500); and in counties with a population of not less than twelve thousand (12,000), nor more than

twelve thousand five hundred (12,500); and in counties with a population of not less than twenty seven thousand five hundred (27,500), nor more than twenty-eight thousand (28,000); and in counties with a population of not less than eleven thousand five hundred (11,500), nor more than twelve thousand (12,000); and in counties with a population of not less than twelve thousand five hundred (12,500), nor more than thirteen thousand (13,000); and in counties with a population of not less than seventeen thousand (17,000), nor more than seventeen thousand five hundred (17,500); and in counties with a population of not less than eleven thousand (11,000), nor more than eleven thousand five hundred (11,500), according to the last preceding Federal Census; repealing all laws or parts of laws, general or special, in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

COTTEN, Chairman.

Committee Amendment.

Amend S. B. No. 145 by adding a new section to be numbered 2a to read as follows:

That the provisions of this bill shall apply to the counties within the State of Texas having a population, according to the last preceding Federal Census of 1930, of not less than 14,588, and not more than 14,589; and, provided further that the provisions of this bill shall apply to counties within the State of Texas having a population, according to the last preceding Federal Census of 1930, of not less than 22,642, and not more than 22,643.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 57, A bill to be entitled "An Act providing for rural school supervisors in certain counties; prescribing how and for what length of term said supervisor shall be elected; prescribing the duties of said super-

visors; prescribing the qualifications of said supervisors; prescribing the salaries of such supervisors; and prescribing other things incidental to said purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COTTEN, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 158, A bill to be entitled "An Act amending Article 535, Revised Civil Statutes of Texas, 1925; providing shares transferable only on corporation's books; imposing a duty on officers to transfer; repealing Article 1344, Revised Civil Statutes of Texas, 1925; providing that this Act shall become the law and be effective only if, as, and when the Senate Joint Resolution No. 9 of the Forty-fifth Legislature shall have been adopted as an amendment to the Constitution of Texas; providing a savings clause; declaring the policy; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

ISEBELL, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 35, A bill to be entitled "An Act to aid the Pease River Flood Control District, a State agency, in carrying out the purposes for which it was created by Chapter 420, General and Special Laws, First Called Session, Forty-fourth Legislature (S. B. No. 62 of said Session), including the acquiring of the lands, leases, easements and acquittances, rights-of-way, structures, buildings and equipment, and including the operation of structures,

dams, reservoirs and canals, suitable, in so far as practicable, for the control of the flood waters of the Pease River watershed, declared to be a public calamity, granting and donating, with certain limitations, to said district for a period of two years all of the State ad valorem taxes in the following counties, which otherwise would go into the General Revenue Fund of the State of Texas, namely: Cottle, Foard, Hardeman and Wilbarger; said grant being contingent upon the receiving by said district of a grant or allotment from the United States of America on or before January 1, 1939, of a sum sufficient to effect the purpose of this Act, and declaring certain things incidental to said purposes; providing that the district shall not mortgage or otherwise encumber any of its property and that the district may sell a part of its property under certain conditions; and providing, except by a sale under such condition, no property or interest of the district shall come into the ownership or control of any person, firm or corporation other than a public authority created under the laws of the State of Texas; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HILL, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 470, A bill to be entitled "An Act re-enacting and amending Article 4902, Revised Civil Statutes of 1925, as amended by Chapter 180, Acts of the Regular Session of the Forty-second Legislature, so as to provide for the levying, assessing, and collecting an additional one and one-fourth per cent of the gross fire and/or lightning, and/or tornado, and/or windstorm, and/or hail insurance premiums of all companies, etc."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 471, A bill to be entitled "An Act providing for the annual assessment and collection of a tax on premiums for Workmen's Compensation Insurance policies written by stock companies, mutual companies, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

COLLIE, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 289, A bill to be entitled "An Act creating a Special Road Law for Fannin County, Texas, providing that said county may fund or refund the interest-bearing time warrants outstanding against its Road and Bridge Fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, levying taxes to pay principal and interest thereon, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 330, A bill to be entitled

"An Act creating a Special Road Law for Karnes County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 8, 1937, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report back to the Senate with recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 303, A bill to be entitled "An Act creating a Special Law for San Saba County, Texas, providing that said county may fund certain warrants outstanding against its road and bridge fund as of February 15, 1937, by the issuance of funding bonds, and setting forth the method of issuing same; validating all acts of the commissioners' court and of the county officials of said county in authorizing, issuing and delivering said warrants; providing that the General Laws pertaining to road and bridges shall be applicable to said county, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 302, A bill to be entitled "An Act creating a Special Road Law for San Patricio County, Texas; providing that said county may fund or refund the indebtedness outstanding against its road and bridge fund prior to May 21, 1931; setting forth the method of operation, etc., and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SPEARS, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 144, A bill to be entitled "An Act amending Articles 4925 and 4926, Revised Civil Statutes, 1925, so as to clarify the same by providing that the total recoveries permitted on the bonds therein provided for shall not exceed the face value of the bonds, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 23, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 176, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, Feb. 24, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 12, Proposing an amendment to the Constitution of the State of Texas by the adoption of a new section to be known as Section

67, which shall prohibit the levy, assessment and collection of State ad valorem taxes on real estate in Texas except for the purpose of paying Confederate pensions as now authorized by the Constitution of Texas; providing for the necessary proclamation and making an appropriation to defray the expenses of the proclamation, publication and election.

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 12 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 25 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 26 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 29 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 14 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 27 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 13 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 28 carefully examined and compared and find same correctly engrossed.

ROBERTS, Chairman.

In Memory
of
Hon. Tom S. Henderson

Senate Concurrent Resolution No. 35.

Senator Newton offered the following resolution:

WHEREAS, On the 18th day of February, 1937, God in his inscrutable wisdom, took from our earthly ranks the great soul of the Honorable Tom S. Henderson, of Cameron, Milam County, Texas; honorable in heart; honorable in works; and honored by all who were privileged to know him; and

WHEREAS, All of Texas bows its head in a spirit of irretrievable loss, to this beloved and revered pioneer spirit; who has distinguished his length of days by outstanding service to his fellow man; who has used his influence to uplift and develop this great State, and who gave unstintingly of his energies for the welfare of the Texas people; who has served his community faithfully, his State ably and notably, both as a member of the Texas Legislature, of the House of Representatives, and also as the head of University Regents for many years; and

WHEREAS, The members of the Texas Legislature and the House of Representatives have learned with profound sorrow of the passing of one of its outstanding statesmen and most worthy citizens; it behooves them to survey the life history of its departed member. A true Texan of Texas was the Hon. Tom S. Henderson. Born in Old Washington-on-the-Brazos, he received his early education in the public schools there, enrolled in Baylor University then Waco University, when fifteen years of age, and graduated with valedictory honors. His law education was received at Washington University in St. Louis. He was elected successively as County Attorney of Milam County, District Attorney and State Representative. In 1895 he was appointed to the University Board of Regents and served for sixteen years—ten as president of the group. Surviving him are his wife, the former Minnie Burns, with whom he celebrated his golden anniversary in 1934; two sons, John B. of Cameron and T. S. of Corpus Christi; and four daughters, Mrs. Boyd Wells of Austin, Mrs. Hamilton Bonnet of San Antonio, Mrs. Earnest Beard of Hillsboro, Mrs. J. A. Culpepper of Cameron; and eleven grandchildren; and

WHEREAS, He has given to his surviving family a heritage of which they may be justly proud, and a career graven upon the hopes and hearts of his fellow men; and

WHEREAS, Throughout his entire public career he was recognized as one of the State's ablest lawyers and finest statesman and in all ways worthy of emulation, vitally interested in all matters for the public good; doing justice, loving mercy and walking humbly in the way of God; and

WHEREAS, Texas has lost one of its greatest barristers, the masses of the people one of their kindest and most steadfast friends; and

WHEREAS, Of this great departed spirit of the Honorable Tom S. Henderson it may be truly said:

"No sod grows deeper than the imprint of a soul;

No monument towers higher than man's gift to man—the goal"

and

WHEREAS, The monument erected to the memory of the Honorable Tom S. Henderson is indelibly enshrined on the hearts and lives of those souls to whom he so lavishly "gave his gifts"; and

WHEREAS, We of the legion who were privileged to call him friend, have intermingled with a deep sense of personal loss, a deep and abiding sympathy for his sorely bereaved family; now, therefore, be it

RESOLVED, by the Senate and House of Representatives concurring, That a copy of this resolution be spread on the memorial pages of the Senate and House Journals of the day in memory of the deceased, and as a tribute to a man who has brought them honor in the faithful and exemplary service he has rendered his State at all times; and also be it further

RESOLVED, That the Secretary of the Senate and the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under their respective seals and that when the Senate and House adjourn today, that they do so out of honor and respect accorded to the life and works of the Honorable Tom S. Henderson.

NEWTON,
HOLBROOK,
AIKIN,
BECK,
BROWNLEE,
BURNS,
COLLIE,
COTTEN,
DAVIS,
HEAD,
HILL,

ISELL,
LEMENS,
MOORE,
NEAL,
NELSON,
ONEAL,
PACE,
RAWLINGS,
REDDITT,
ROBERTS,
SHIVERS,

SMALL,
SPEARS,
STONE,
SULAK,
VAN ZANDT,
WEINERT,
WESTERFELD,
WINFIELD,
WOODRUFF,
WOODUL, Lt.-Gov.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of all Senators were added to the resolution as signers thereof.

The resolution was adopted unanimously by a rising vote.